S.B. CIVIL WRIT PETITION NO.5658/2004

Banshidhar Vyas Vs. Rajasthan State Warehousing Corporation & Anr.

DATE OF ORDER :: 21.3.2007

HON'BLE MR. GOVIND MATHUR, J.

Mr. N.M. Vyas, for the petitioner.
Mr. Arvind Shrimali, for the respondents.

***

By this petition for writ a challenge is given to the decision of the Rajasthan Warehousing Corporation to effect the recovery of the sum of Rs.5757/- only said to be paid in excess to the petitioner because of some clerical error while making necessary entries in provident fund account. During pendency of this petition for writ petitioner Shri Banshidhar Vyas died on 6.1.2006, therefore, his legal representatives were taken on record under an order dated 19.5.2006.

A reply to the writ petition has been filed on behalf of the respondents stating therein that a sum of Rs.5757/- was paid in excess to the petitioner while making payment of provident fund at the time of his retirement, and therefore, a decision to recover the sum was rightly made.

The contention of counsel for the petitioner while giving challenge to the recovery order is that after retirement from service no order of recovery from pension could have been made. However, it is admitted by the counsel for the petitioner that the amount of Rs.5757/- was paid in excess to late Sh. Banshidhar Vyas.

I am not at all impressed with the contention of the counsel for the petitioner as the amount in excess was paid to the petitioner against provident fund, and therefore, the occasion to effect such recovery arose only after retirement of the petitioner. Beside that the original petitioner has already died and the entire amount said to be paid in excess has already been recovered, therefore, I do not consider it appropriate to interfere with the decision of the respondents at this stage.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR),J.

J.Goyal